

## FORM SUMMARY

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**Name of Form:** Commitment Order for Non-payment of Fine/Forfeiture

**Form Number:** GF-148

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**Statutory Reference:** §§345.47, 778.09, 973.07, Wisconsin Statutes

**Purpose of Form:** To order the commitment of a person to jail for nonpayment of a fine or forfeiture.

**Who Completes It:** Prepared by the clerk, signed by the judge.

**Distribution of Form:** Original to court file, copy to law enforcement, copy to the person/attorney

**Accompanying Forms:** Generally none

**New Form/Modification:** Modification, last update 10/97.

**Modifications:** Reformatted form and added box to upper right corner for official use.

Previous modifications: The CCAP version will print out a section listing the underlying charges on the case. Only charges with "guilty" verdicts and assessments will appear. If the commitment order is for nonstatutory violations (such as failure to comply with recoupment of attorney fee orders in juvenile cases), the statute section will be blank. Some law enforcement agencies have requested this information so they will have an idea of the type of individual with whom they are dealing and can take necessary precautions.

**Comments:** This form authorizes the arrest and commitment of a defendant when a court-ordered fine or forfeiture has not been paid. Each county should establish local procedures for determining when such a commitment order should be issued.

The person remains in custody once arrested until one of the following occurs:

- the money owed is paid.
- the jail term is served.
- the person is otherwise released.

Several other comments about this procedure should be noted:

- This form cannot be used for parking violations under §345.28, Wis. Stats. (see §345.28(6), Wis. Stats.).
- For traffic matters under §345.47, the maximum incarceration is limited to 90 days.
- For forfeitures under §778.09 and fines under §973.07, the maximum incarceration is limited to six months.

This form is not intended to replace the contempt procedure found in Ch. 785, Wis. Stats., which provides different methods of enforcing court orders, including incarceration for up to six months in the county jail.

When a person is taken into custody under this commitment order, the person may request and is entitled to a prompt hearing before the court to provide an opportunity to explain the failure to pay.

**About this form:**

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**